



Advocates for Workplace Fairness

MEMO ENDORSED

October 1, 2023

Via ECF:

The Honorable Jennifer H. Rearden
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: Ulku Rowe v. Google LLC, Case No. 19-cv-08655

Dear Judge Rearden:

We represent Plaintiff Ulku Rowe in the above-referenced matter. We write to briefly correct two inaccuracies in Defendant's September 29, 2018 letter to the Court. (ECF No. 319).

First, Defendant states that Will Grannis is not a party witness. (*Id.*, at 1.) This is incorrect; as Vice President and Chief Technology Officer of Google Cloud, he is one of Google Cloud's key officers. (See <https://craft.co/google-cloud-platform/executives>.)¹

Second, Defendant's representation of the expected duration of Plaintiff's case is inaccurate. Plaintiff's truncation of her case to fit within the Court's 12-hours allocation means that Will Grannis and Tariq Shaukat are the witnesses with the most significant and material testimony, following Ms. Rowe's. Their testimony now necessarily covers a broader range of topics than it might otherwise have, to compensate for witnesses with whom Plaintiff will not have sufficient time to explore those topics, or who she has decided not to call at all.

¹ Not a Google website. We also note that Google has submitted a declaration from someone other than Mr. Grannis to support Google's assertions with respect to the criticality of the offsite and Mr. Grannis's participation.

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As a result of Plaintiff's witness reconfiguration, Mr. Grannis's and Mr. Shaukat's testimony is likely to take up far more trial time than any other witness besides Ms. Rowe. From a trial-planning perspective, Plaintiff disagrees with Defendant's time assessment and believes it is very likely that, if Mr. Grannis and Mr. Shaukat testify in the second week of trial, she may not have enough witness testimony time to fill October 6, placing the parties in a position of either not using valuable court time on that day, or having Defendant begin its case before Plaintiff's case is concluded. The latter scenario presents the very likely risk of juror confusion resulting in severe prejudice to Plaintiff.

As we state in our September 28, 2023 letter (ECF No. 317), we respectfully request that the Court compel the presence of both Mr. Grannis and Mr. Shaukat in the first week of trial.

Respectfully submitted,

/s/ Gregory Chiarello
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c: All Parties via ECF

The adjournment of this trial to October 4 was not accompanied by any assurance that the parties would be allotted ten days. *See* July 24, 2023 Tr. at 3, 7 (briefly adjourning the trial "to allow for the *possibility* of taking more time" "*if . . . we all determined* that [a ten-day trial] made sense" (emphases added)); *see also Triboro Quilt Mfg. Corp. v. Luve LLC*, No. 10 Civ. 3604 (VB), 2015 WL 5474184, at *5 (S.D.N.Y. July 24, 2015) ("District judges have wide discretion to manage the conduct of trials before them." (quoting *United States v. Donovan*, 55 F. App'x 16, 19 (2d Cir. 2003))).

In light of the instant dispute, however, the Court will consider adjusting the dates on which it sits for trial. The parties shall meet and confer about the following possible alternatives: (1) begin trial on Wednesday, October 4 (as planned), adjourn until Tuesday, October 10, and then continue through the end of the week; or (2) begin trial on Tuesday, October 10, continue through the end of the week, and then resume on Wednesday, October 18. The Court is not available on Monday, October 16 or Tuesday, October 17.

By **1:00 p.m. today (October 2)**, the parties shall file a joint letter informing the Court of the outcome of their meet and confer.

SO ORDERED.


Jennifer H. Rearden, U.S.D.J.
Date: October 2, 2023